20/12/07

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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No.7483 of 2007

PETITIONERS

1. Tilak Ram Mandavi,
S/o Shri Fulsingh Mandavi,
Aged about 41 years,
Lecturer, Govt. Bhartiya Higher Secondary School, Kanker, District Kanker (C.G.)
2. Jhadu Ram Kothari,
S/o Shri Milau Ram Kothari,
Aged about 40 years,
Lecturer, Govt. Girls Higher Secondary School, Kanker, District Kanker (C.G.)
3. Roshan Verma, S/o Shri Bharat Lal Vrema, aged about 38 years, Lecturer, Govt. Higher Secondary School Narhardeo, Kanker, District Kanker(C.G.)
4. Makhan Lal Sahu, S/o Shri Topi Ram Sahu, aged about 38 years, Lecturer, Govt. Higher secondary school, Narhardeo, Kanker, District Kanker (C.G.)
5. Tilak Ram Sahu, S/o Narad Ram Sahu, aged about 47 years, lecturer, Govt. Higher Secondary School, Narhardeo, Kanker, District Kanker (C.G.)
6. Smt. Anita Dutta Rai, W/o Shri Shyamlal Dutta Rai, aged about 46years, Lecturer, Govt. Bhartiya Higher Secondary School, Kanker, District Kanker (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh, Through : Secretary, Department of Education, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. District Education Officer, Kanker, District Kanker (C.G.)
3. Block Education Officer,
Block Kanker,
District Kanker (C.G.)
4. Assistant Commissioner,
Tribal Welfare Department,
Kanker, District Kanker (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Md. Tarek Haider, counsel for the petitioners.

Shri Sushil Dubey, Govt. Advocate for the State on advance copy.

ORAL ORDER
(19.12.2007)

SUNIL KUMAR SINHA, J

Heard on admission.

Learned counsel for the petitioners submits that the petitioners have passed B.Ed. examination on their own expenses, therefore, they are entitled to receive two advance increments according to circulars dated 24.12.1998 and 01.03.1999. He also submits that in many identical matters, the petitions have been allowed in terms of the order passed in the case of ***Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another {2006 (II) MPJR-CG 96}***. He submits that the case of the petitioners is squarely covered by the said judgment.

This legal position is not disputed by the learned counsel for the State. However, he submits that the order may be passed in terms of the said judgment, but it shall be subjected to verification regarding petitioners' such qualification.

Accordingly, this writ petition is allowed in terms of the order passed in case of *Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra)* subject to verification of the facts as to whether the petitioners had acquired B.Ed. Examination Certificates on their own expenses as per circulars dated 24.12.1998 and 01.03.1999 and further whether they have been paid two advance increments or not.

The petition stands finally disposed of. No order as to costs.

Sd/-
Sunil Kumar Sinha
Judge

Sunita